

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BANK OF NEW YORK,)	
)	Case No. 1:05-CV-02826
Plaintiff,)	
)	JUDGE ANN ALDRICH
v.)	
)	
ALBERT WILSON, et al.,)	
)	
Defendants.)	<u>ORDER</u>
)	
)	

Before the court is plaintiff Bank of New York's (the "Bank") motion for default judgment [Docket No. 17], to obtain judgment against Albert Wilson and Irene Wilson as described in the complaint, to foreclose the lien of the mortgage securing the obligation of such note upon the real estate described herein, and to require all parties to set up their claims to the real estate or be barred. The motion is granted.

The court finds that defendants Albert Wilson ("Wilson"), Irene Wilson and Sherman Acquisition LP are in default of motion or answer. The clerk's entry of default was filed herein on January 10, 2006.

Accordingly, the court finds the allegations contained in the complaint to be true, including that there is due and owing to the Bank from the defendants Albert Wilson and Irene Wilson, upon the subject note, the principal balance of \$98,273.57, for which judgment is hereby rendered in favor of the Bank, with interest at the rate of 10.55 percent per annum from June 1, 2005.

The note is secured by the mortgage held by the Bank, which mortgage constitutes a valid and first lien upon the following described premises (the "Property"):

Situated in the City of Euclid, County of Cuyahoga and State of Ohio and known as being Sublot No. 12 in the Euclid Estates Company's Indian Hills Estates Section of part of Original Euclid Township Lots Nos. 17, 18 and 19, as shown by the recorded plat in Volume 147 of Maps, page 21 and refiled in Plat Volume 159 of Maps, page 4 of Cuyahoga County Records and being 75 feet front on the Easterly side of Sagamore Road, and extending back of equal width 200 feet, as appears by said plat.

Parcel Number: 649-16-012

Commonly known as: 2051 Sagamore Drive, Euclid, Ohio

Finding the allegations contained in the Bank's complaint to be true, the court finds that the mortgage was filed for record on August 21, 2000, and recorded as Instrument Number 200008210784 in the Cuyahoga County Recorder's Office; that the mortgage, together with the note, was assigned to the Bank by an Assignment of Mortgage filed for record on December 27, 2005 as Instrument Number 200512270115 in the Cuyahoga County Recorder's Office; that the conditions of said mortgage have been broken; and that Bank is entitled to have the equity of redemption of the defendants-titleholders foreclosed.

It is therefore ordered that unless the sums hereinabove found to be due to the Bank, and the costs of this action, be fully paid within ten (10) days from the date of the entry of this decree, the equity of redemption of the defendants-titleholders in said real estate shall be foreclosed and the real estate sold, free and clear of the interest of all parties herein.

IT IS SO ORDERED.

/s/Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: November 3, 2006